



PETITIONER:  
JBELL Properties, LLC and Three Reins, LLC  
Ordinance No. G-2014- 21

Introduced by: Councilman Connie Robinson  
Committee: Public Works

**AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES  
WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS S.  
KERTH AVENUE FROM E. WALNUT STREET TO E. SYCAMORE STREET; ALLEY  
PARALLEL TO AND BETWEEN S. KERTH AVENUE AND S. NEW YORK AVENUE;  
ALLEY PARALLEL TO E. WALNUT STREET RUNNING BETWEEN S. KERTH  
AVENUE AND ALLEY PARALLEL TO AND BETWEEN S. KERTH AVENUE AND S.  
NEW YORK AVENUE; ALLEY PARALLEL TO E. WALNUT STREET RUNNING  
BETWEEN S. KERTH AVENUE AND US 41; AND THE EASTERN MOST 14 FEET OF  
THE RIGHT-OF-WAY FOR S. NEW YORK AVENUE (APPROX. FROM JUST  
BEHIND THE EASTERN CURB LINE AND THE EAST RIGHT-OF-WAY LINE)**

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville requesting that the public rights-of-ways described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacations.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated on the site plan attached hereto as Exhibit "A" which is hereby made a part of this Ordinance, and as more particularly described as follows:

DULY ENTERED FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER

SEP 15 2014 4952

*Joe Coe*  
AUDITOR

I affirm, under the penalties for perjury, that I have  
taken reasonable care to redact each Social Security  
number in this document, unless it is required by law.

*Whitney Steffen*  
(Name)

**FILED**

AUG 20 2014

*Anna Winder*  
CITY CLERK

**S. Kerth Avenue from E. Walnut Street to E. Sycamore Street**

All that part of Kerth Avenue lying between Walnut Street to the south and Sycamore Street to the north, as laid out in "Auburn", an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 in the office of the Recorder of Vanderburgh County, more particularly described as follows:

BEGINNING at the southeast corner of Lot 14 in Block 15 of Auburn, located in the northwest quadrant of the intersection of Walnut Street and Kerth Avenue; thence North 00 degrees 10 minutes 01 second West 635.66 feet along the west right-of-way of Kerth Avenue; thence continue North 00 degrees 10 minutes 01 seconds West 8.0 feet, more or less, along the west right-of-way of Kerth Avenue to a point where the west right-of-way of Kerth Avenue intersects the Indiana Department of Transportation limited access right-of-way (LARW) for the Lloyd Expressway/U.S. 41 interchange; thence South 75 degrees 58 minutes 25 seconds East 61.9 feet, more or less, along the INDOT right-of-way to a point where said INDOT right-of-way intersects the easterly right-of-way of Kerth Avenue; thence South 00 degrees 10 minutes 01 seconds East 139.3 feet, more or less, along the east right-of-way line of Kerth Avenue; thence continue South 00 degrees 10 minutes 01 second East 490.26 feet along the east right-of-way of Kerth Avenue to the southwest corner of Lot 18 in Block 16 of Auburn; thence North 89 degrees 09 minutes 22 seconds West 60.01 feet to the POINT OF BEGINNING, containing 38,196 square feet, more or less.

**Alley parallel to and between S. Kerth Avenue and S. New York Avenue**

All that part of an alley running north to south and between Blocks 15 and 4 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 and Plat Book C, page 243, in the office of the Recorder of Vanderburgh County, more particularly described as follows:

BEGINNING at the southwest corner of Lot 18 in Block 15; thence North 89 degrees 09 minutes 22 seconds West 14.00 feet to the southeast corner of Lot 12 in Block 4 of Auburn; thence North 00 degrees 10 minutes 54 seconds West 626.43 feet along the east line of said Block 4 to the northeast corner of Lot 1 in said Block 4; thence South 89 degrees 19 minutes 11 seconds East 14.00 feet to the northwest corner of Lot 1 in Block 15 of Auburn; thence South 00 degrees 10 minutes 54 seconds East 626.47 feet along the west line of said Block 15 to the POINT OF BEGINNING, containing 8,770 square feet, more or less.

**Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue**

All that part of an alley Block 15 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483, in the office of the Recorder of Vanderburgh County, lying between Kerth Avenue and an alley west of said Block 15, more particularly described as follows:

BEGINNING at the southwest corner of Lot 13 in Block 15 of Auburn; thence South 89 degrees 11 minutes 28 seconds East 129.01 feet to the southeast corner of said Lot 13; thence South 00 degrees 10 minutes 01 second East 12.00 feet to the northeast corner of Lot 14 in Block 15; thence North 89 degrees 11 minutes 28 seconds West 123.01 feet along the north line of Lots 14 through 18 in Block 15; thence South 45 degrees 18 minutes 49 seconds West 8.41 feet to a point on the west line of Lot 18 in Block 15 of Auburn; thence North 00 degrees 10 minutes 54 seconds West 18.00 feet to the POINT OF BEGINNING, containing 1,566 square feet, more or less.

**Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41**

All that part of an alley in Block 16 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 in the office of the Recorder of Vanderburgh County, lying between Kerth Avenue to the west and the westerly right-of-way of the former Ohio Valley RY and Terminal Company tract of land to the east and from Lot 19 of said Block 16 to the north and Lots 14 through 18 to the south, more particularly described as follows:

BEGINNING at the northwest corner of Lot 18 in said Block 16 of Auburn; thence North 00 degrees 10 minutes 01 second West 12.00 feet to the southwest corner of Lot 19; thence South 89 degrees 01 minute 45 seconds East 125.34 feet along the south line of Lot 19; thence North 45 degrees 25 minutes 09 seconds East 8.40 feet; thence North 00 degrees 07 minutes 57 seconds West 50.84 feet to a point on the westerly right-of-way of the Ohio Valley RY and Terminal Company tract of land; thence South 19 degrees 10 minutes 58 seconds East 8.00 feet along said tract; thence South 03 degrees 17 minutes 29 seconds East 61.49 feet along said tract to the northeast corner of Lot 14; thence North 89 degrees 01 minute 45 seconds West 137.33 feet along the north line of Lots 14 through 18 to the POINT OF BEGINNING, containing 1,868 square feet, more or less.

**The eastern most 14 feet of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line)**

The easterly fourteen feet of New York Avenue lying west of Block 4 in of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book C, page 243 in the office of the Recorder of Vanderburgh County lying north of Walnut Street and south of Sycamore Street, and more particularly described as follows:

BEGINNING at the southwest corner of Lot 12 in Block 4 of Auburn; thence North 89 degrees 09 minutes 22 seconds West 14.00 feet; thence North 00 degrees 17 minutes 16 seconds West 625.91 feet; thence South 89 degrees 19 minutes 11 seconds East 14.00 feet to the eastern right-of-way of New York Avenue; thence South 00 degrees 17 minutes 16 seconds East 625.95 feet along the east right-of-way New York Avenue to the POINT OF BEGINNING, containing 8,763 square feet, more or less.

Section IV. That the vacations of said public rights-of-ways described in Section III above are subject to reservations of easements in favor of the parties identified below as follows:

A. Evansville Water/Sewer Utility (EWSU):

- i. For the 200-300 blocks of South New York Avenue, an easement of sufficient width for both the existing water line and the existing 24-inch sewer line.
- ii. For the 200-300 blocks of South Kerth Avenue, an easement of sufficient width for both the existing water line and the existing 24-inch sewer line. The 10-inch sewer lines in the alley servicing the rear of existing properties along East Walnut Street from South Kerth Avenue may be abandoned and these lines may be plugged.
- iii. For the section of East Sycamore Street between South New York Avenue and South Kerth Avenue, an easement of sufficient width for both the existing water line and the existing 36-inch sewer line.
- iv. Evansville Water/Sewer Utility otherwise does not object to the vacations of said public rights-of-ways described in Section III.

B. Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana:

- i. For the proposed vacation of the following strips of land: S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; Alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41, and the eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line), Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company, reserves the following easement rights:

Electric line:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above

ground facilities, and the right to remove brush or other obstructions from said strip of land.

Gas line:

An easement with the right to lay, construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove a pipe line, together with drips, tie-overs, valves, anodes, protective facilities, and all other appurtenances thereto, whether above or below the surface, convenient or necessary for the transportation of gas or other substances which can be transported through a pipe line, in, under, over, across, upon, and through said strips of land together with the right of ingress and egress over the lands of Grantor to and from said pipe line in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees, brush or other obstructions located within said strips of land.

C. AT&T:

- i. For the proposed vacation of the eastern most 14 feet of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line):

AT&T does not have existing facilities within the indicated portion of 14ft. portion of the S. New York Avenue right-of-way; and as such has no objections to the vacation of this right-of-way.

- ii. For the proposed vacation of the following strips of land: S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; Alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41:

AT&T does have existing facilities consisting of a combination of poles, aerial, and buried cables and closures within portions of the other indicated right-of-ways. AT&T's facilities will need to remain in place, with an easement granted in favor of AT&T covering the existing facilities, along with ingress/egress to allow access to these facilities. AT&T would not object to an encroachment upon the right-of-way, as long as access to AT&T's facilities is not obstructed.

- iii. AT&T has existing easements along previously vacated portions of E. Sycamore Street and existing easements adjacent to the alleyways being vacated which shall remain.

D. Insight Communications/Time Warner:

- i. For the proposed vacation of the following strips of land: S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; Alley parallel to and between S. Kerth Avenue and

S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41, and the eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line):

Insight Communications/Time Warner does have facilities in the areas to be vacated. Insight/Time Warner Cable has no objection to these vacations, subject to a reservation of easements in favor of any homes that are staying.

E. W.O.W.:

i. For the proposed vacation of the following strips of land: S. Kerth Avenue from E. Walnut Street to E. Sycamore Street and the eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line):

W.O.W. does not have facilities in the areas to be vacated and does not have any objections to the vacation proposal for the subject vacation.

ii. For the proposed vacation of the following strips of land: alley parallel to and between S. Kerth Avenue and S. New York Avenue and the alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41:

W.O.W does have facilities located within the subject right-of-way. W.O.W. does not object to the proposed vacations; however, W.O.W. reserves an easement in its favor within subject right-of-way for the placement and maintenance of telecommunications facilities that lie within the areas to be vacated.

F. Evansville Fire Department: This agency has no objection to the vacations as per the letter attached hereto as Exhibit "B".

G. City/Traffic Engineer: This agency has no objection to the vacations as per the letter attached hereto as Exhibit "C", subject to a reservation of an easement in the following area: the eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line) in which the City of Evansville reserves an easement three feet wide located behind the curb of the street for existing city street lights, which easement is further described as three feet off the west side of the area to be vacated on S. New York Avenue.

THEREFORE, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public rights-of-ways is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does

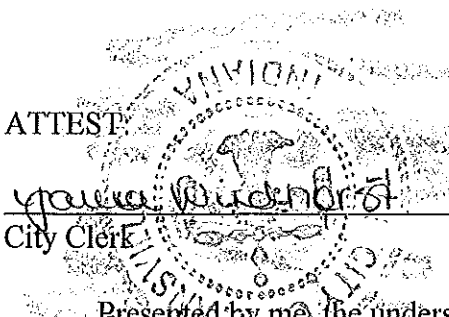

hereby vacate the public ways or public places described in Section III above subject to the terms and conditions as stated in this Ordinance.

Passed by the Common Council of Evansville, Indiana, on this 8<sup>th</sup> day of Sept, 2014, and on said day assigned by the President of said Common Council and attested by the City Clerk.



President

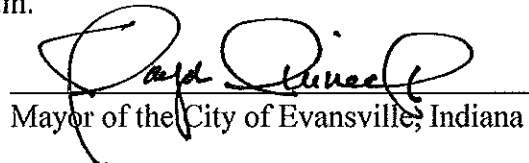
ATTEST:

  
  
City Clerk

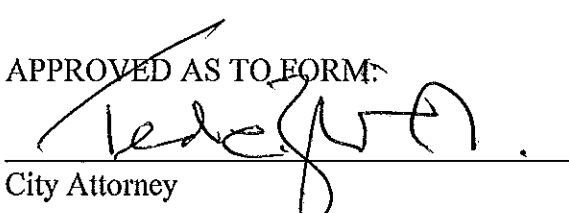
Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 10<sup>th</sup> day of Sept, 2014, at 4:30 o'clock P.m.

  
City Clerk


Having examined the foregoing Ordinance, I do, as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return the same to the City Clerk, this 12<sup>th</sup> day of September, 2014, at 9:45 o'clock A.m.

  
Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

  
City Attorney

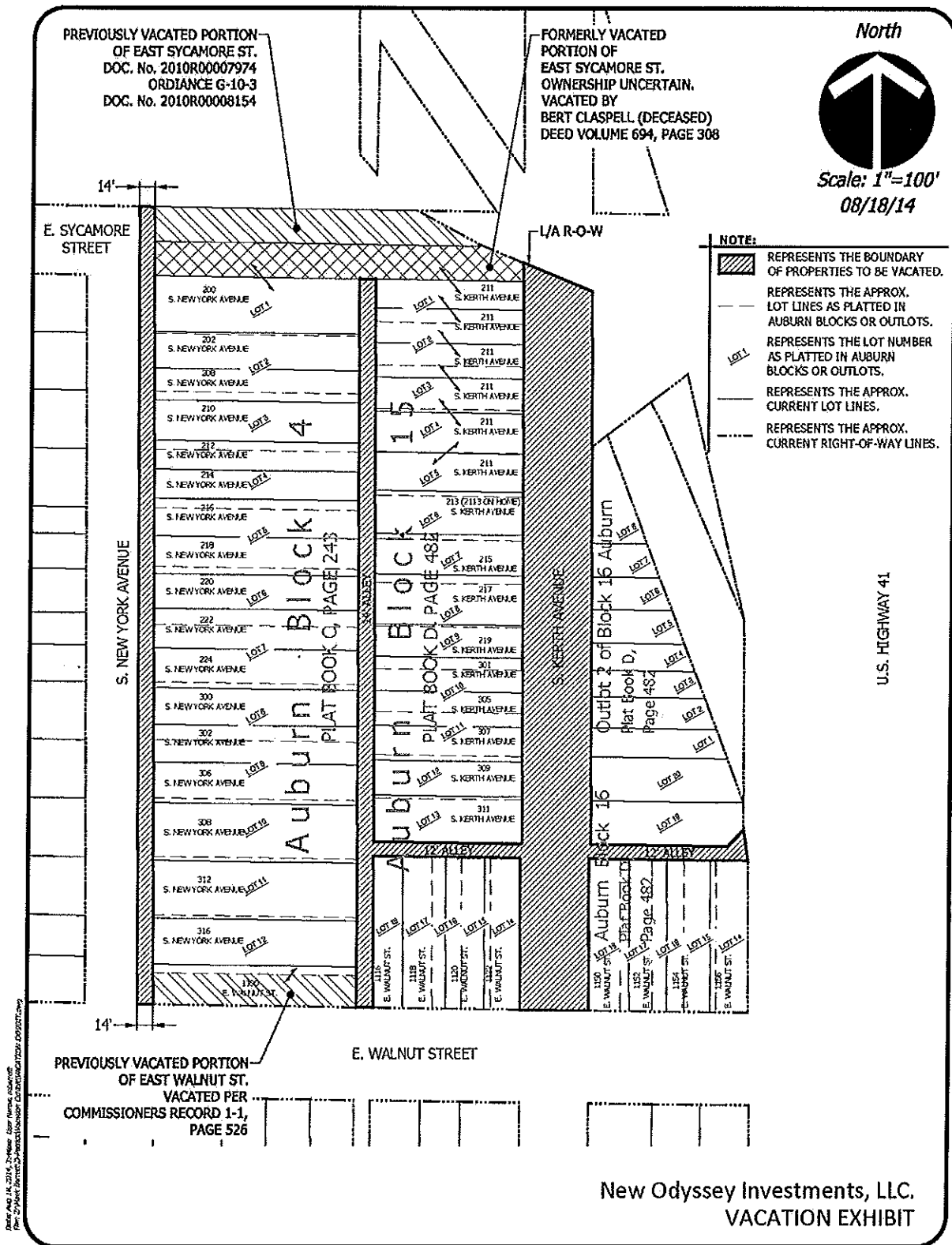
**THIS INSTRUMENT** was prepared by Kahn, Dees, Donovan & Kahn, LLP, Mark S. Samila, Attorney at Law, 501 Main Street, Suite 305, P.O. Box 3646, Evansville, Indiana 47735-3646 [KDDK:293640]

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. 

**RETURN TO:** Mark S. Samila, Esq., P.O. Box 3646, Evansville, Indiana 47735-3646.

# EXHIBIT "A"

## SITE PLAN/LOCATION MAP





**EXHIBIT "B-1"**

**FIRE DEPARTMENT LETTER**



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

August 18, 2014

Matthew D. Wallace  
Lochmueller Group  
6200 Vogel Road  
Evansville, IN 47715

RE: City of Evansville Department of Redevelopment-  
Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Wallace;

We recognize & acknowledge request for Vacation Right-of-way of the following 4 areas;

- 1) South Kerth Avenue, between E. Walnut St and E. Sycamore St;
- 2) Alley (14'), in East 1100 block between E. Walnut St and E. Sycamore St;
- 3) East 14' of South New York Avenue, between E. Walnut St and E. Sycamore St;
- 4) Alley (12'), in South 300 block, between 14' alley (#2) and US 41 Right-of-way.

**Existing Conditions: Streets and Alleys**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in closing of above referenced streets and alleys.**

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Grimm".

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428



## EXHIBIT "C"

### CITY/TRAFFIC ENGINEER LETTER



City Engineer's Office  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

August 19, 2014

Ms. Maria L. Bulkley  
KDDK  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, Indiana 47735

Re: Proposed Vacation of Public Ways, parts of S. Kerth, S. New York  
and associated alleys

Dear Ms. Bulkley:

In regards to the above referenced subject and exhibit from Lochmueller Group, the following comments are provided:

The areas proposed to be vacated are improved and appear to be utilized primarily for roadway purposes. The request for vacation relates to development of a commercial site in place of existing housing stock. The adjacent properties are owned by the party seeking vacation.

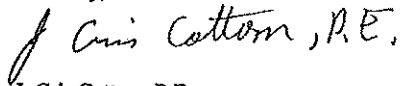
The areas to be vacated are the following:

1. Kerth Ave. from Walnut to Sycamore.
2. Alley parallel to and between Kerth and New York.
3. Alley parallel to Walnut running between Kerth and Alley in Item 2 above.
4. Alley parallel to Walnut running between Kerth and US41.
5. The eastern most 14 ft. of the Right-of-Way for New York Ave. (approx. from just behind the eastern curb line and the east R-O-W line)

The City Engineer's Office does not object to the vacation request. Vacation of these areas would have no effect on future plans of this office. On New York, the City Engineer's Office will either need to retain an easement for existing lighting or alternately, the petitioner can have the lights moved to the West side of New York. The lights sit in an area approximately three feet behind the curb of the street such that a three foot easement off the west side of the vacation on New York would provide the needed access.

Thank you and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "J. Cris Cottom, P.E.". The signature is written in a cursive style with a large, stylized "J" and "C".

J. Cris Cottom, P.E.  
Assistant City Engineer

Attachment: Vacation Exhibit

Cc: Matt Wallace -- Lochmueller Group  
File

**BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE  
PETITION FOR THE VACATION OF CERTAIN PUBLIC WAYS OR PUBLIC PLACES  
WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS S. KERTH  
AVENUE FROM E. WALNUT STREET TO E. SYCAMORE STREET; ALLEY PARALLEL  
TO AND BETWEEN S. KERTH AVENUE AND S. NEW YORK AVENUE; ALLEY  
PARALLEL TO E. WALNUT STREET RUNNING BETWEEN S. KERTH AVENUE AND  
ALLEY PARALLEL TO AND BETWEEN S. KERTH AVENUE AND S. NEW YORK  
AVENUE; ALLEY PARALLEL TO E. WALNUT STREET RUNNING BETWEEN S. KERTH  
AVENUE AND US 41; AND THE EASTERN MOST 14 FEET OF THE RIGHT-OF-WAY FOR  
S. NEW YORK AVENUE (APPROX. FROM JUST BEHIND THE EASTERN CURB LINE  
AND THE EAST RIGHT-OF-WAY LINE)**

Petitioners: JBELL Properties, LLC and Three Reins, LLC

Address: 1100 E. Walnut Street  
Evansville, Indiana 47714

1. Petition is hereby made pursuant to the provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16 and Sections 12.05.450 through 12.05.510 of the Municipal Code of Evansville, for the vacation of a portion of five areas as follows: a) S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; b) Alley parallel to and between S. Kerth Avenue and S. New York Avenue; c) Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; d) Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41; and e) The eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line) all of which are located in Evansville, Vanderburgh County, Indiana, more particularly described in the complete legal descriptions attached hereto as Exhibits "A-1", "A-2", "A-3", "A-4" and "A-5".

2. Petitioner, JBELL Properties, LLC, is an Indiana limited liability company, with its principal office and place of business at 221 N.W. Fifth Street in the City of Evansville, Vanderburgh County, Indiana. The officer of JBELL Properties, LLC is as follows: C. Wayne Kinney, Manager. The members of JBELL Properties, LLC are as follows: CWK Investments – Lloyd, LLC.

Petitioner, Three Reins, LLC, is an Indiana limited liability company, with its principal office and place of business at 304 E. SR 68 in the City of Haubstadt, Gibson County, Indiana. The officer of Three Reins, LLC is as follows: Kenneth W. Reinbrecht, President. The member of Three Reins, LLC is as follows: Kenneth W. Reinbrecht.

**FILED**

**AUG 20 2014**

*Anna Widner*  
CITY CLERK

3. Petitioners request the vacation of said rights-of-way to facilitate the development of an automobile dealership, D-Patrick Ford Lincoln.

4. The names and address of the persons who, in addition to the Petitioners, own property which is located within two hundred (200) feet of the rights-of-way to be vacated by this petition, are attached hereto as Exhibit "B".

5. The vacation of the rights-of-way to be vacated by this Petition are subject to the dedication of utility easements in the areas legally described by Exhibits "A-1", "A-2", "A-3", "A-4" and "A-5" in favor of the following:

- a. Evansville Water/Sewer Utility easement(s) pursuant to the specifications in the letter dated August 18, 2014 and supplemental email dated August 19, 2014 attached as Exhibit "C".
- b. Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, easement(s) pursuant to the specifications in the letter attached as Exhibit "D".
- c. AT&T easement(s) pursuant to the specifications in the letter attached as Exhibit "E".
- d. Insight/Time Warner Cable pursuant to the letter attached as Exhibit "F".
- e. W.O.W. pursuant to the specifications in the letters attached as Exhibit "G-1", "G-2", "G-3" and "G-4".

6. The Evansville Fire Department has no objection to the vacations as per the letter attached hereto as Exhibit "H".

7. The City/Traffic Engineer has no objection to the vacations as per the letter attached hereto as Exhibit "I".

8. Attached to this petition is a Location Map/Site Plan (Exhibit "J") which more particularly identifies the areas sought to be vacated by this petition.

[SIGNATURE AND NOTARY ACKNOWLEDGEMENT ON FOLLOWING PAGE]

DATED this 20<sup>th</sup> day of August, 2014.

JBELL Properties, LLC

By: C. Wayne Kinney  
C. Wayne Kinney, Manager

Three Reins, LLC

By: Kenneth W. Reinbrecht  
Kenneth W. Reinbrecht, President

STATE OF INDIANA )

COUNTY OF VANDERBURGH )

SS:

Before me, a Notary Public, within and for said County and State, came **C. Wayne Kinney, Manager of JBELL Properties, LLC**, an Indiana limited liability company, acknowledged the execution of the foregoing Petition for the Vacation of S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; Alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41; and The eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line).

WITNESS my hand and Notarial Seal this 20<sup>th</sup> day of August, 2014.

County of residence:

County, Indiana

Andrea D. Reller  
Notary Public

My commission expires:



**ANDREA D. RELLER**  
Resident of Warrick County, IN  
Commission Expires: May 31, 2016

(Printed Name)

STATE OF INDIANA )

COUNTY OF VANDERBURGH )

SS:

Before me, a Notary Public, within and for said County and State, came **Kenneth W. Reinbrecht, President of Three Reins, LLC**, an Indiana limited liability company, acknowledged the execution of the foregoing Petition for the Vacation of S. Kerth Avenue from E. Walnut Street to E. Sycamore Street; Alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and alley parallel to and between S. Kerth Avenue and S. New York Avenue; Alley parallel to E. Walnut Street running between S. Kerth Avenue and US 41; and The eastern most 14ft. of the Right-of-Way for S. New York Avenue (approx. from just behind the eastern curb line and the east Right-of-Way line).

WITNESS my hand and Notarial Seal this 20<sup>th</sup> day of August, 2014.

County of residence:

County, Indiana



**ANDREA D. RELLER**  
Resident of Warrick County, IN  
Commission Expires: May 31, 2016

(Printed Name)

My commission expires:

## EXHIBIT "A-1"

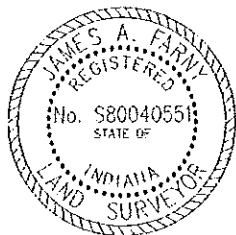
### Legal Description

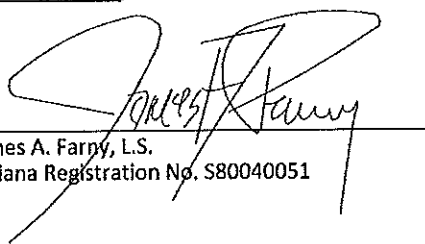
#### BOUNDARY DESCRIPTION KERTH AVENUE VACATION

All that part of Kerth Avenue lying between Walnut Street to the south and Sycamore Street to the north, as laid out in "Auburn", an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 in the office of the Recorder of Vanderburgh County, more particularly described as follows:

BEGINNING at the southeast corner of Lot 14 in Block 15 of Auburn, located in the northwest quadrant of the intersection of Walnut Street and Kerth Avenue; thence North 00 degrees 10 minutes 01 second West 635.66 feet along the west right-of-way of Kerth Avenue; thence continue North 00 degrees 10 minutes 01 seconds West 8.0 feet, more or less, along the west right-of-way of Kerth Avenue to a point where the west right-of-way of Kerth Avenue intersects the Indiana Department of Transportation limited access right-of-way (LARW) for the Lloyd Expressway/U.S. 41 interchange; thence South 75 degrees 58 minutes 25 seconds East 61.9 feet, more or less, along the INDOT right-of-way to a point where said INDOT right-of-way intersects the easterly right-of-way of Kerth Avenue; thence South 00 degrees 10 minutes 01 seconds East 139.3 feet, more or less, along the east right-of-way line of Kerth Avenue; thence continue South 00 degrees 10 minutes 01 second East 490.26 feet along the east right-of-way of Kerth Avenue to the southwest corner of Lot 18 in Block 16 of Auburn; thence North 89 degrees 09 minutes 22 seconds West 60.01 feet to the POINT OF BEGINNING, containing 38,196 square feet, more or less.

Witness my hand and seal this 18th day of August, 2014.



  
James A. Farny, L.S.  
Indiana Registration No. S80040051

## EXHIBIT "A-2"

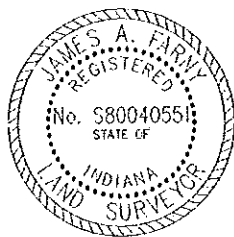
### Legal Description

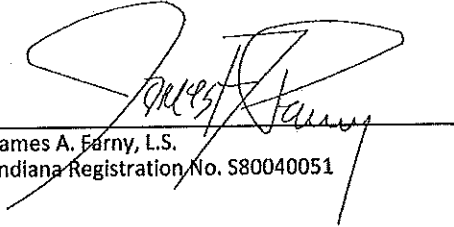
#### BOUNDARY DESCRIPTION ALLEY VACATION -BETWEEN BLOCKS 15 & 4 OF AUBURN

All that part of an alley running north to south and between Blocks 15 and 4 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 and Plat Book C, page 243, in the office of the Recorder of Vanderburgh County, more particularly described as follows:

BEGINNING at the southwest corner of Lot 18 in Block 15; thence North 89 degrees 09 minutes 22 seconds West 14.00 feet to the southeast corner of Lot 12 in Block 4 of Auburn; thence North 00 degrees 10 minutes 54 seconds West 626.43 feet along the east line of said Block 4 to the northeast corner of Lot 1 in said Block 4; thence South 89 degrees 19 minutes 11 seconds East 14.00 feet to the northwest corner of Lot 1 in Block 15 of Auburn; thence South 00 degrees 10 minutes 54 seconds East 626.47 feet along the west line of said Block 15 to the POINT OF BEGINNING, containing 8,770 square feet, more or less.

Witness my hand and seal this 18th day of August, 2014.



  
James A. Farny, L.S.  
Indiana Registration No. 580040051



## EXHIBIT "A-3"

### Legal Description

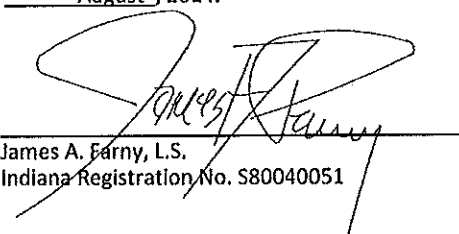
#### BOUNDARY DESCRIPTION ALLEY VACATION – BLOCK 15 OF AUBURN

All that part of an alley Block 15 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483, in the office of the Recorder of Vanderburgh County, lying between Kerth Avenue and an alley west of said Block 15, more particularly described as follows:

BEGINNING at the southwest corner of Lot 13 in Block 15 of Auburn; thence South 89 degrees 11 minutes 28 seconds East 129.01 feet to the southeast corner of said Lot 13; thence South 00 degrees 10 minutes 01 second East 12.00 feet to the northeast corner of Lot 14 in Block 15; thence North 89 degrees 11 minutes 28 seconds West 123.01 feet along the north line of Lots 14 through 18 in Block 15; thence South 45 degrees 18 minutes 49 seconds West 8.41 feet to a point on the west line of Lot 18 in Block 15 of Auburn; thence North 00 degrees 10 minutes 54 seconds West 18.00 feet to the POINT OF BEGINNING, containing 1,566 square feet, more or less.

Witness my hand and seal this 18th day of August, 2014.



  
James A. Farny, L.S.  
Indiana Registration No. S80040051

## EXHIBIT "A-4"

### Legal Description

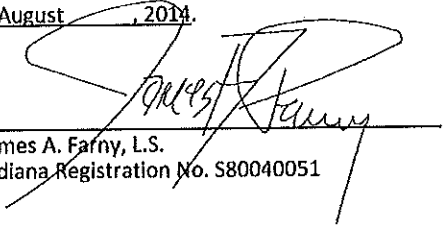
#### BOUNDARY DESCRIPTION ALLEY VACATION – BLOCK 16 OF AUBURN

All that part of an alley in Block 16 of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book D, pages 482 and 483 in the office of the Recorder of Vanderburgh County, lying between Kerth Avenue to the west and the westerly right-of-way of the former Ohio Valley RY and Terminal Company tract of land to the east and from Lot 19 of said Block 16 to the north and Lots 14 through 18 to the south, more particularly described as follows:

BEGINNING at the northwest corner of Lot 18 in said Block 16 of Auburn; thence North 00 degrees 10 minutes 01 second West 12.00 feet to the southwest corner of Lot 19; thence South 89 degrees 01 minute 45 seconds East 125.34 feet along the south line of Lot 19; thence North 45 degrees 25 minutes 09 seconds East 8.40 feet; thence North 00 degrees 07 minutes 57 seconds West 50.84 feet to a point on the westerly right-of-way of the Ohio Valley RY and Terminal Company tract of land; thence South 19 degrees 10 minutes 58 seconds East 8.00 feet along said tract; thence South 03 degrees 17 minutes 29 seconds East 61.49 feet along said tract to the northeast corner of Lot 14; thence North 89 degrees 01 minute 45 seconds West 137.33 feet along the north line of Lots 14 through 18 to the POINT OF BEGINNING, containing 1,868 square feet, more or less.

Witness my hand and seal this 18th day of August, 2014.



  
James A. Farny, L.S.  
Indiana Registration No. S80040051

## EXHIBIT "A-5"

### Legal Description

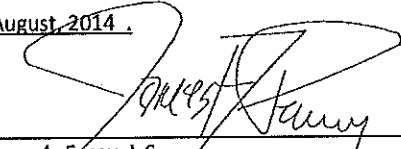
#### BOUNDARY DESCRIPTION PARTIAL VACATION – NEW YORK AVENUE

The easterly fourteen feet of New York Avenue lying west of Block 4 in of Auburn, an addition to the City of Evansville, Indiana, as per plat thereof recorded in Plat Book C, page 243 in the office of the Recorder of Vanderburgh County lying north of Walnut Street and south of Sycamore Street, and more particularly described as follows:

BEGINNING at the southwest corner of Lot 12 in Block 4 of Auburn; thence North 89 degrees 09 minutes 22 seconds West 14.00 feet; thence North 00 degrees 17 minutes 16 seconds West 625.91 feet; thence South 89 degrees 19 minutes 11 seconds East 14.00 feet to the eastern right-of-way of New York Avenue; thence South 00 degrees 17 minutes 16 seconds East 625.95 feet along the east right-of-way New York Avenue to the POINT OF BEGINNING, containing 8,763 square feet, more or less.

Witness my hand and seal this 18<sup>th</sup> day of August, 2014.



  
James A. Farny, L.S..  
Indiana Registration No. S80040051

# EXHIBIT "B"

## Land Owners Within 200 Feet

### D-PATRICK LAND OWNERS WITHIN 200 FEET

	Name1	Mailing Address	Property Address	City	State	Zip
1	Harvey & Shirley Baker	843 S. Cullen Ave.	1030 E Walnut St.	Evansville	IN	47715
2	Wilmer & Dora Wittmer	701 Agathon Dr.	315 S. New York Ave.	Evansville	IN	47712
3	Harvey & Shirley Baker	843 S. Cullen Ave.	313 S. New York Ave.	Evansville	IN	47715
4	Robert A. III & Robert A. Jr. Redden	309 S. New York Ave.	309 S. New York Ave.	Evansville	IN	47714
5	Grace Whitney Properties	2747 Secretariat Court	307 S. New York Ave.	Evansville	IN	47720
6	Dallas & Patricia May	301 S. New York Ave.	301 S. New York Ave.	Evansville	IN	47713
7	Next Level Properties, LLC	PO Box 1497	223 S. New York Ave.	Newburgh	IN	47630
8	RCH Rental, LLC	310 S. Kentucky Ave.	221 S. New York Ave.	Evansville	IN	47714
9	Huffs Carpet & Supply	212 S. Kentucky Ave.	219 S. New York Ave.	Evansville	IN	47714
10	Roger & Elnora Huff	310 S. Kentucky Ave.	217 S. New York Ave.	Evansville	IN	47714
11	Phillip & Loretta Hines	215 S. New York Ave.	215 S. New York Ave.	Evansville	IN	47714
12	Huff Carpet Supply	212 S. Kentucky Ave.	211 S. New York Ave.	Evansville	IN	47714
13	Roger & Elnora Huff	1144 SR 261	209 S. New York Ave.	Boonville	IN	47601
14	Jeffrey Garrett	205 S. New York Ave.	205 S. New York Ave.	Evansville	IN	47714
15	Milestone Investments, LLC	PO Box 3006	201 S. New York Ave.	Evansville	IN	47730
16	Lantz Coachworks, Inc.	808 S. Kentucky Ave	100 S. 118 Kentucky Ave.	Evansville	IN	47714
17	CWK Investments-Lloyd, LLC	9210 Petersburg Rd.	1024 E. Sycamore St.	Evansville	IN	47725
18	State of Indiana	100 N Senate Ave.	120 S. Kerth Ave.	Indianapolis	IN	46204
19	Jeremiah Thacker	1019 E. Powell Ave.	401 S. New York Ave.	Evansville	IN	47714
20	David & Joyce Beshear	405 S. New York Ave.	405 S. New York Ave.	Evansville	IN	47714
21	Raymond & Linda Beshear	409 S. New York Ave.	409 S. New York Ave.	Evansville	IN	47714
22	Ryan & Angel Waelde	1103 E. Walnut St.	1103 E. Walnut St.	Evansville	IN	47714
23	Donald & Sarah Kissel	7121 Newburgh Rd.	1105 E. Walnut St.	Evansville	IN	47715
24	Donald & Sarah Kissel	7121 Newburgh Rd.	1107 E. Walnut St.	Evansville	IN	47715
25	Betty Jean Rittenour	1518 Glenmoor Rd.	1109 E. Walnut St.	Evansville	IN	47715
26	Charles & Margie Hall	1111 E. Walnut St.	1111 E. Walnut St.	Evansville	IN	47714
27	Mary Grissett	1115 E. Walnut St.	1115 E. Walnut St.	Evansville	IN	47714
28	Eva Kivel Moon	1119 E. Walnut St.	1119 E. Walnut St.	Evansville	IN	47714
29	Ernie Lon & Margaret Walters	524 S. Runnymede Ave.	1151 E. Walnut St.	Evansville	IN	47714
30	Gary Alan Conner	1155 E. Walnut St.	1155 E. Walnut St.	Evansville	IN	47714
31	Earl Michael Combs	1159 E. Walnut St.	1159 E. Walnut St.	Evansville	IN	47714
32	LOC, Inc.	505 Executive Park	414 S. Fares Ave.	Louisville	KY	40207
33	Melissa Jo Gwaltney	10655 Williamsburg Dr.	1202 E. Walnut St.	Newburgh	IN	47630
34	Emily R. Compton	310 S. Fares Ave.	310 S. Fares Ave.	Evansville	IN	47714
35	Jbell Properties	PO Box 1507	211 S. Kerth Ave.	Evansville	IN	47706
36	Jbell Properties	PO Box 1507	215 S. Kerth Ave.	Evansville	IN	47706
37	Jbell Properties	PO Box 1507	218 S. Kerth Ave.	Evansville	IN	47706
38	Jbell Properties	PO Box 1507	219 S. Kerth Ave.	Evansville	IN	47706
39	Jbell Properties	PO Box 1507	220 S. Kerth Ave.	Evansville	IN	47706
40	Jbell Properties	PO Box 1507	300 S. Kerth Ave.	Evansville	IN	47706
41	Jbell Properties	PO Box 1507	302 S. Kerth Ave.	Evansville	IN	47706
42	Jbell Properties	PO Box 1507	304 S. Kerth Ave.	Evansville	IN	47706
43	Jbell Properties	PO Box 1507	306 S. Kerth Ave.	Evansville	IN	47706
44	Jbell Properties	PO Box 1507	308 S. Kerth Ave.	Evansville	IN	47706
45	Jbell Properties	PO Box 1507	310 S. Kerth Ave.	Evansville	IN	47706
46	Jbell Properties	PO Box 1507	314 S. Kerth Ave.	Evansville	IN	47706
47	Jbell Properties	PO Box 1507	1164 E. Walnut Street	Evansville	IN	47706
48	Jbell Properties	PO Box 1507	200 S. New York Ave.	Evansville	IN	47706
49	Jbell Properties	PO Box 1507	202 S. New York Ave.	Evansville	IN	47706
50	Jbell Properties	PO Box 1507	208 S. New York Ave.	Evansville	IN	47706

**D-PATRICK  
LAND OWNERS WITHIN 200 FEET**

51	Jbell Properties	PO Box 1507	210 S. New York Ave.	Evansville	IN	47706
52	Jbell Properties	PO Box 1507	212 S. New York Ave.	Evansville	IN	47706
53	Jbell Properties	PO Box 1507	218 S. New York Ave.	Evansville	IN	47706
54	Jbell Properties	PO Box 1507	220 S. New York Ave.	Evansville	IN	47706
55	Jbell Properties	PO Box 1507	222 S. New York Ave.	Evansville	IN	47706
56	Jbell Properties	PO Box 1507	224 S. New York Ave.	Evansville	IN	47706
57	Jbell Properties	PO Box 1507	300 S. New York Ave.	Evansville	IN	47706
58	Jbell Properties	PO Box 1507	302 S. New York Ave.	Evansville	IN	47706
59	Jbell Properties	PO Box 1507	306 S. New York Ave.	Evansville	IN	47706
60	Jbell Properties	PO Box 1507	308 S. New York Ave.	Evansville	IN	47706
61	Chancellor Media Whiteco Outdoor Corp. % Lamar	4201 E. Morgan Ave.	210 S. Fares Ave.	Evansville	IN	47715
62	Marliou Jenkins, Mae Marshall & Anthony Leavell	220 N Rotherwood Ave. Apt. C	1211 E. Sycamore St.	Evansville	IN	47711
63	Harold Mitchell	526 E. Riverside Dr.	1218 E. Sycamore St.	Evansville	IN	47713
64	Civil City of Evansville Indiana	1 NW ML King Jr. Blvd.	Keck Ave.	Evansville	IN	47708
65	Civil City of Evansville Indiana	1 NW ML King Jr. Blvd.	1157 E. Sycamore St.	Evansville	IN	47708
66	INDOT-Vincennes District	3650 South U.S. Hwy 41		Vincennes	IN	47591
67	Ballard Neighborhood Association	Lori Clark	513 S. Grand Ave.	Evansville	IN	47713
68	Three Reins, LLC	304 E. State Road 68	213 S. Kerth Ave.	Haubstadt	IN	47639
69	Three Reins, LLC	304 E. State Road 68	217 S. Kerth Ave.	Haubstadt	IN	47639
70	Three Reins, LLC	304 E. State Road 68	301 S. Kerth Ave.	Haubstadt	IN	47639
71	Three Reins, LLC	304 E. State Road 68	305 S. Kerth Ave.	Haubstadt	IN	47639
72	Three Reins, LLC	304 E. State Road 68	307 S. Kerth Ave.	Haubstadt	IN	47639
73	Three Reins, LLC	304 E. State Road 68	309 S. Kerth Ave.	Haubstadt	IN	47639
74	Three Reins, LLC	304 E. State Road 68	311 S. Kerth Ave.	Haubstadt	IN	47639
75	Three Reins, LLC	304 E. State Road 68	1100 E. Walnut Street	Haubstadt	IN	47639
76	Three Reins, LLC	304 E. State Road 68	1116 E. Walnut Street	Haubstadt	IN	47639
77	Three Reins, LLC	304 E. State Road 68	1118 E. Walnut Street	Haubstadt	IN	47639
78	Three Reins, LLC	304 E. State Road 68	1120 E. Walnut Street	Haubstadt	IN	47639
79	Three Reins, LLC	304 E. State Road 68	1122 E. Walnut Street	Haubstadt	IN	47639
80	Three Reins, LLC	304 E. State Road 68	1150 E. Walnut Street	Haubstadt	IN	47639
81	Three Reins, LLC	304 E. State Road 68	1152 E. Walnut Street	Haubstadt	IN	47639
82	Three Reins, LLC	304 E. State Road 68	1156 E. Walnut Street	Haubstadt	IN	47639
83	Three Reins, LLC	304 E. State Road 68	214 S. New York Ave.	Haubstadt	IN	47639
84	Three Reins, LLC	304 E. State Road 68	216 S. New York Ave.	Haubstadt	IN	47639
85	Three Reins, LLC	304 E. State Road 68	312 S. New York Ave.	Haubstadt	IN	47639
86	Three Reins, LLC	304 E. State Road 68	316 S. New York Ave.	Haubstadt	IN	47639
87	INDOT - Attn: KimberLee Peters	100 N. Senate Ave.	Room N642	Indianapolis	IN	46204

**EXHIBIT "C"**

**Evansville Water/Sewer Letter**



LLOYD WINNECKE  
MAYOR

**EVANSVILLE WATER &  
SEWER UTILITY**

ALLEN R. MOUNTS  
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708  
P O Box 19, Evansville, Indiana 47740-0001  
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

August 18, 2014

Mr. Matthew D. Wallace, P.E.  
Lochmueller Group  
6200 Vogel Road  
Evansville, IN 47715

Re.: Proposed Vacation – Portion of 200-300 S. New York and 200-300 S. Kerth

Mr. Wallace,

This letter is in response to your request to vacate portions of public right-of-way and public utility easement as referenced above. The Evansville Water and Sewer Utility (EWSU) have the following requirements:

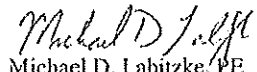
For the 200-300 blocks of South New York Avenue, please provide an easement of sufficient width for both the existing water line and the existing 24-inch sewer line.

For the 200-300 blocks of South Kerth Avenue, please provide an easement of sufficient width for both the existing water line and the existing 24-inch sewer line. The 10-inch sewer lines in the alley servicing the rear of existing properties along East Walnut Street from South Kerth Avenue may be abandoned and these lines may be plugged.

For the section of East Sycamore Street between South New York Avenue and South Kerth Avenue, please provide an easement of sufficient width for both the existing water line and the existing 36-inch sewer line.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

  
Michael D. Labitzke, PE  
Deputy Director of Utilities - Engineering

## EXHIBIT "C"

### Evansville Water/Sewer Supplemental Email

**From:** [Maria Bulkley](#)  
**To:** [Angela D. Daly](#)  
**Subject:** PW: Vacation request response clarification  
**Date:** 08/19/2014 9:42:02 AM

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**From:** Labitzke, Michael [mailto:MLabitzke@ewsu.com]  
**Sent:** Tuesday, August 19, 2014 9:41 AM  
**To:** Maria Bulkley  
**Cc:** Matt Wallace  
**Subject:** Vacation request response clarification

Dear Ms. Bulkley: You may supplement our letter dated August 18, 2014 which letter indicates all of the corridors where our department has known facilities and will need to retain easements. To the extent that the letter does not address any of the other areas specified as areas to be vacated, please note that we have no objection to vacations of those corridors. To confirm, the areas to be vacated are the following:

1. Kerth Ave. from Walnut to Sycamore.
2. Alley parallel to and between Kerth and New York.
3. Alley parallel to Walnut running between Kerth and Alley in Item 2 above.
4. Alley parallel to Walnut running between Kerth and US41.
5. The eastern most 14 ft. of the Right-of-Way for New York Ave. (approx. from just behind the eastern curb line and the east R-O-W line)

Mike Labitzke

Sent from my iPhone

AOS identified this as **CLEAN**. Give feedback: [This is SPAM](#) · [More](#)

EXHIBIT "D"

Vectren Energy Delivery Letter



Vectren Corporation  
P.O. Box 209  
Evansville, IN 47702-0209

August 15, 2014

Kahn, Dees, Donovan & Kahn, LLP  
Attn: Maria L. Bulkley  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, IN. 47735

Re: Petition to Vacate a portion of S. Kerth Avenue, multiple alleys and a 14' strip of right of way on New York Avenue, all located in Evansville, Indiana and being shown and described on the attached exhibit.

Petitioner: New Odyssey Investments, LLC

Dear Mrs. Bulkley:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and there are currently existing electric and gas facilities within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric line:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked "Exhibit A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

Gas line:

An easement with the right to lay, construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove a pipe line, together with drips, tie-overs, valves, anodes, protective facilities, and all other appurtenances thereto, whether above or below the surface, convenient or necessary for the transportation of gas or other substances which can be transported through a pipe line, in, under, over, across, upon, and through said strips of land together with the right of ingress and egress over the lands of Grantor to and from said pipe line in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees, brush or other obstructions located within said strips of land.



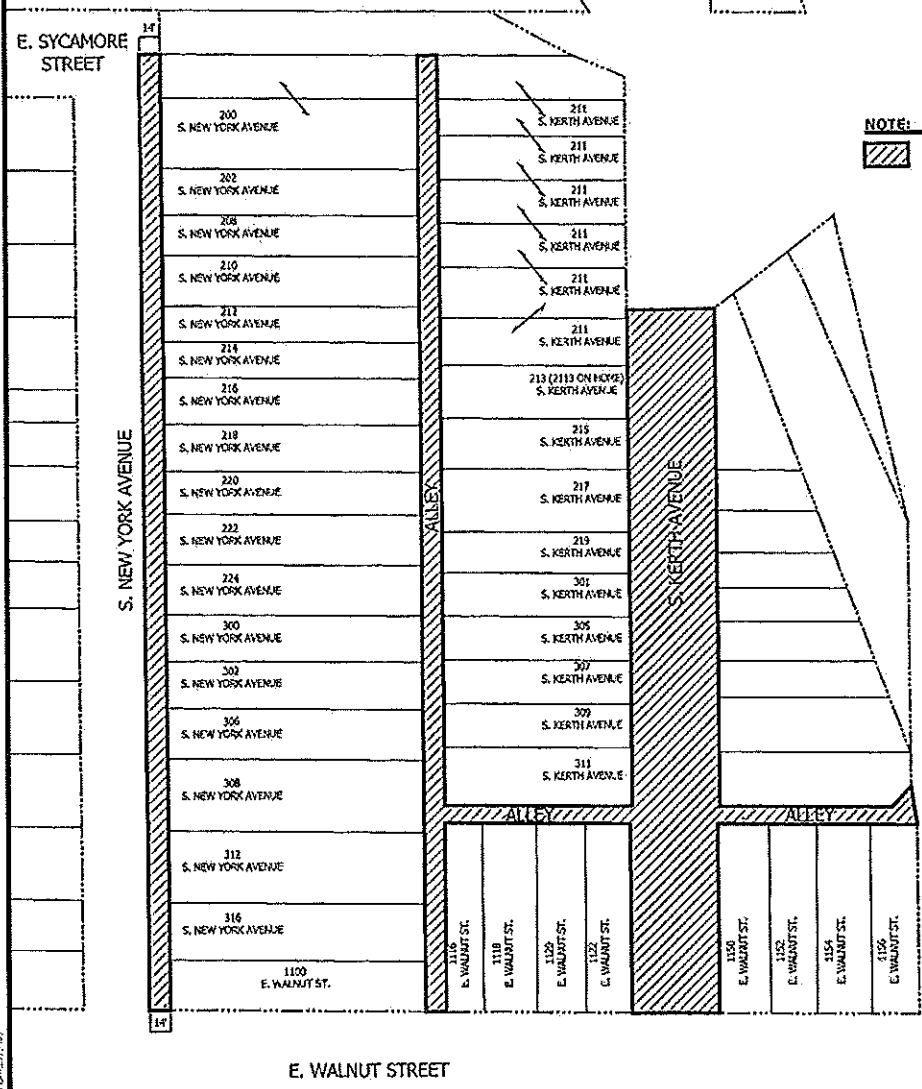
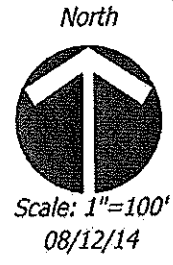
The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

A handwritten signature in cursive script that reads "Colby Morris".

Colby Morris  
Land Services, Right of Way Agent  
Vectren Energy Delivery of Indiana  
(812) 491-4785



NOTE:  
[Hatched Box] REPRESENTS THE BOUNDARY OF PROPERTIES TO BE VACATED.

Prepared by: [illegible]  
Date: [illegible]

New Odyssey Investments, LLC.  
VACATION EXHIBIT

Exhibit "A"

## EXHIBIT "E"

### AT&T Letter



AT&T Indiana  
134 NW Sixth Street  
Evansville, IN 47708

T: 812-464-6055  
F: 812-464-6120  
www.att.com

August 19th, 2014

Maria L. Bulkley  
Kahn, Dees, Donovan & Kahn, LLP  
501 Main Street, Suite 305, Evansville, IN 47708  
P.O. Box 3646, Evansville, IN 47735

Re: D-Patrick Vacations of Right-of-Way: Part of S Kerth Ave and Adjacent Alleyways

Dear Ms. Bulkley,

I have reviewed your request for the vacation of right-of-ways in the following locations:

1. Kerth Ave. from Walnut to Sycamore.
2. Alley parallel to and between Kerth and New York.
3. Alley parallel to Walnut running between Kerth and Alley in Item 2 above.
4. Alley parallel to Walnut running between Kerth and US 41.
5. The eastern most 14 ft. of the Right-of-Way for New York Ave. (approx. from just behind the eastern curb line and the east R-O-W line).

These locations were depicted on your drawing titled Vacation Exhibit, sent to AT&T on 8/19/14.

AT&T does not have existing facilities within the indicated 14' portion of the S New York Avenue right-of-way; and as such has no objections to the vacation of this right-of-way.

AT&T does however, have existing facilities - consisting of a combination of poles, aerial and buried cables and closures within portions of the other indicated right-of-ways. AT&T's facilities will need to remain in place, meaning the right-of-way can not be vacated unless an easement is granted in favor of AT&T covering the existing facilities, along with ingress/egress to allow access to these facilities. AT&T would not object to an encroachment upon the right-of-way, as long as access to AT&T's facilities is not obstructed.

Also of note - AT&T retains right-of-way subject to easement along portions of E Sycamore Street, depicted on the survey as "previously vacated". AT&T also has existing easements adjacent to the alleyways being vacated. These easements contain an AT&T cabinet -- relocation of which would be fairly extensive. I have enclosed a copy of the easements for your records.

If your client will require the relocation of AT&T's facilities please contact the AT&T Custom Work Order Group (1/888/901/2779) to obtain a cost estimate.

Please let me know if you have any questions or concerns.

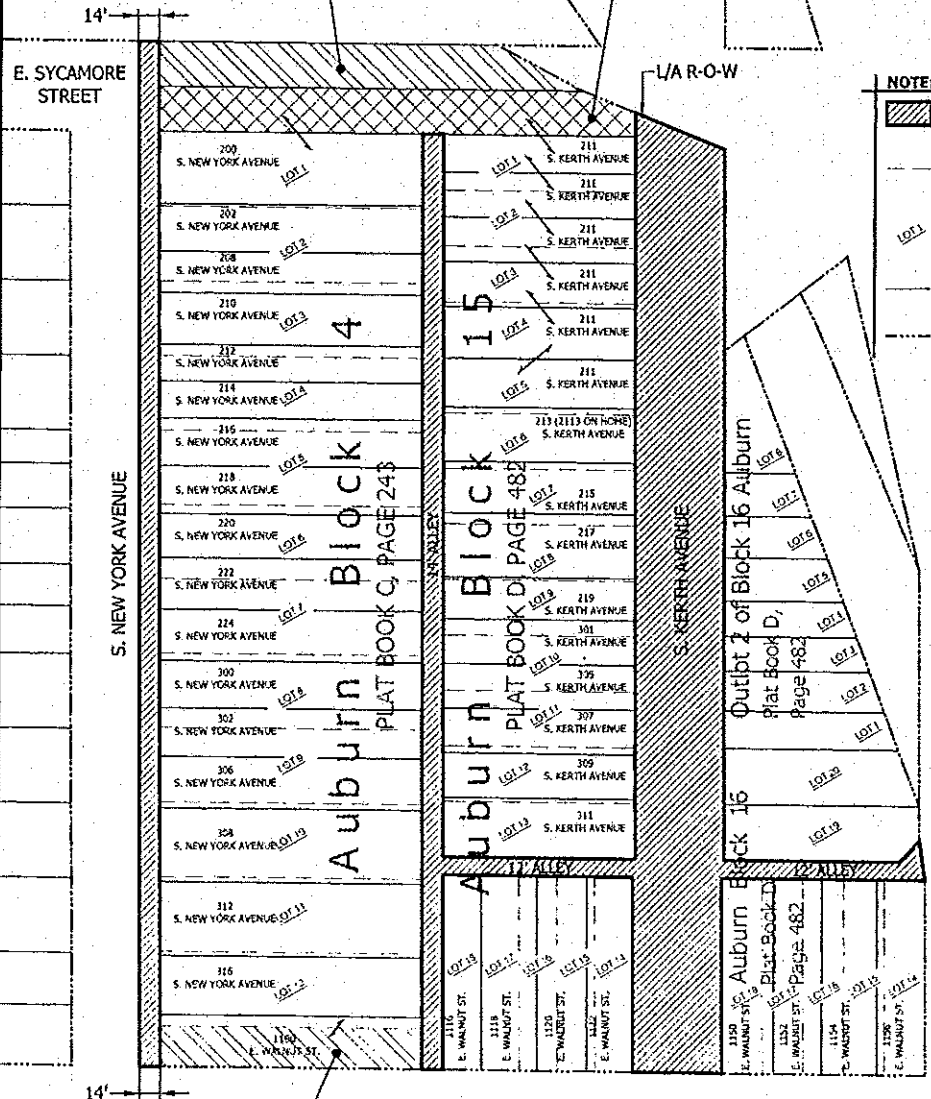
Thanks,

A handwritten signature in black ink, appearing to read "Andy Polz", written over the printed name.

Andy Polz  
AT&T Engineering Department  
Office: 812-464-6055  
Email: af1896@att.com

PREVIOUSLY VACATED PORTION  
OF EAST SYCAMORE ST.  
DOC. No. 2010R00007974  
ORDINANCE G-10-3  
DOC. No. 2010R00008154

FORMERLY VACATED  
PORTION OF  
EAST SYCAMORE ST.  
OWNERSHIP UNCERTAIN.  
VACATED BY  
BERT CLASPELL (DECEASED)  
DEED VOLUME 694, PAGE 308



- NOTE:**
- REPRESENTS THE BOUNDARY OF PROPERTIES TO BE VACATED.
  - REPRESENTS THE APPROX. LOT LINES AS PLATTED IN AUBURN BLOCKS OR OUTLOTS.
  - REPRESENTS THE LOT NUMBER AS PLATTED IN AUBURN BLOCKS OR OUTLOTS.
  - REPRESENTS THE APPROX. CURRENT LOT LINES.
  - REPRESENTS THE APPROX. CURRENT RIGHT-OF-WAY LINES.

U.S. HIGHWAY 41

PREVIOUSLY VACATED PORTION  
OF EAST WALNUT ST.  
VACATED PER  
COMMISSIONERS RECORD 1-1,  
PAGE 526

E. WALNUT STREET

New Odyssey Investments, LLC.  
VACATION EXHIBIT

89-20720

## UTILITY EASEMENT

J.O. F1363-B9

Parcel No. L4973DEED DRAWER 5CARD 2583Easement No. VX 755

The undersigned, in consideration of the sum of One Dollar (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants unto Indiana Bell Telephone Company, Incorporated, its successors and assigns, a right of way and easement to install, construct, operate, maintain, repair, supplement, and remove, at any time or times hereafter, its communication systems consisting of ~~poles~~, ~~anchors~~, conduits, ~~manholes~~, cables, wire, and fixtures as it may from time to time require or deem proper therefore, in, under, and upon a strip of land located in Section 28, Township 6 South, Range 10 West, Township of Knight, County of Vanderburgh, State of Indiana, more particularly described as follows:

The south 2.5 feet of Lot 12 adjoining Lot 13 and all of Lot 13 in Block 15 Auburn, as per plat thereof, recorded in Plat Book D, Pages 482 and 483 in the Vanderburgh County Recorders Office. Said easement to be 6 feet in width, being the west 6 feet of the above described property.

Also the right of ingress and egress over and across said strip and land adjacent to said strip for the purpose of exercising the rights herein granted. NOTHING TO BE PLACED WITHIN 36 INCHES OF EXISTING FENCE. Just

The Grantee agrees to be responsible and pay for all damages to the Grantor's property and/or crops that have been caused by the construction and maintenance of said communication systems.

The Grantor warrants that no structure or building, except fencing, driveways, or streets, shall be erected upon said easement. The Grantor agrees to notify the Grantee before any construction of any fences, driveways, or streets is started.

The Grantor reserves, after the completion of said systems, the full use of the land which is not inconsistent with the existence and maintenance of said communication systems but does agree to notify the Grantee of any proposed change in elevation or grade within the area of said easement.

Witness our hands this 17 day of OCTOBER, 1989, at

Boonville

Indiana.

x Alma Marts Taylor x

Alma Marts TAYLOR

DULY ENTERED FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER.

STATE OF INDIANA )

) SS:

COUNTY OF Warrick )

OCT 30 1989 5843

Jerry W. Humphrey  
AUDITOR

Personally appeared before me, a Notary Public, in and for said County and State,

this 17 day of, OCTOBER, 1989, ALMA MARTS TAYLOR,

A WIDOW

Who acknowledged the execution of the above easement.

INDIANA BELL TELEPHONE CO., INC.  
RIGHT OF WAY DEPT.  
5870 N. College  
INDIANAPOLIS IN. 46220

Jerry W. Humphrey  
Jerry W. Humphrey, Notary Public  
Resident of Warrick County  
My commission expires 9-9-1990

This instrument was prepared by Josel Wright-Lloyd, Attorney

RECEIVED FOR RECORD

at 11:06 A.M.Oct. 30, 1989

BOB STEELE, RECORDER  
VANDERBURGH COUNTY

92-23509 7

DEED DRAWER

7 CARD 4800

J.O. F1363-89  
Parcel No. 14988

## UTILITY EASEMENT

Easement No. VX 791

The undersigned, in consideration of the sum of One Dollar (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants unto Indiana Bell Telephone Company, Incorporated, its successors and assigns, a right of way and easement to install, construct, operate, maintain, repair, supplement, and remove, at any time or times hereafter, its communication systems consisting of poles, anchors, conduits, manholes, cables, wire, and fixtures as it may from time to time require or deem proper therefore, in, under, and upon a strip of land located in Section 28, Township 6 South, Range 10 West, Township of Knight, County of Vanderburgh, State of Indiana, more particularly described as follows:

The South 17 1/2 feet of Lot 10 adjoining Lot 11 and the North 12 1/2 feet of Lot 11 adjoining Lot 10, all in Block 15 in Auburn, an addition to the City of Evansville, as per plat thereof, recorded in Plat Book D, pages 482 and 483 in the office of the Recorder of Vanderburgh, County, Indiana.

Said easement to be 6 feet in width, being the westerly 6 feet of the above described property.

Also the right of ingress and egress over and across said strip and land adjacent to said strip for the purpose of exercising the rights herein granted.

The Grantee agrees to be responsible and pay for all damages to the Grantor's property and/or crops that have been caused by the construction and maintenance of said communication systems.

The Grantor warrants that no structure or building, except fencing, driveways, or streets, shall be erected upon said easement. The Grantor agrees to notify the Grantee before any construction of any fences, driveways, or streets is started.

The Grantor reserves, after the completion of said systems, the full use of the land which is not inconsistent with the existence and maintenance of said communication systems but does agree to notify the Grantee of any proposed change in elevation or grade within the area of said easement.

Witness our hands this 24 day of OCTOBER, 1989, at

\_\_\_\_\_, Indiana.

X \_\_\_\_\_ X VICKIE J. FURLONG

Roger Duncan  
X Vickie J. Furlong  
VICKIE J. FURLONG

Vickie Duncan  
X Kenneth R. Furlong  
KENNETH R. FURLONG

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Vanderburgh )

DULY ENTERED FOR TAXATION SUBJ  
TO FINAL ACCEPTANCE FOR TRANSFER

4665 AUG 24 1992

Personally appeared before me, a Notary Public, in and for said County and State, this 24 day of, OCTOBER, 1989, VICKIE DUNCAN, VICKIE J. FURLONG & KENNETH R. FURLONG, H&W Who acknowledged the execution of the above easement.

INDIANA BELL TELEPHONE CO., INC.  
RIGHT OF WAY DEPT.  
5870 N. College  
INDIANAPOLIS IN, 46220

Jerry W. Huntington  
Jerry W. Huntington, Notary Public  
Resident of Vanderburgh County, IN  
My commission expires 9-1-1990

This instrument was prepared by Joset Wright-Lloyd, Attorney

RECEIVED FOR RECORD August 24, 1992 2:41 P.M. BOB STEELE RECORDER

EXHIBIT "F"

Insight Communications Letter

1900 N. Fares Ave  
Evansville, Indiana 47711  
Ph: (812)253-2755  
Fax: (812) 909-0293  
Cell: (812) 305-8348



August 18, 2014

Kahn, Dees, Donovan & Kahn, LLP  
Maria Bulkley  
PO BOX 3646  
Evansville, IN 47735

RE:

1. Kerth Ave. from Walnut to Sycamore.
2. Alley parallel to and between Kerth and New York.
3. Alley parallel to Walnut running between Kerth and Alley in Item 2 above.
4. Alley parallel to Walnut running between Kerth and US41.
5. The eastern most 14 ft. of the Right-of-Way for New York Ave. (approx. from just behind the eastern curb line and the east R-O-W line)

Dear Ms. Bulkley,

In reference to your request to do a study regarding the above proposed vacation, Time Warner Cable has conducted a study and find we do have facilities along the proposed vacate area.

Time Warner Cable does not oppose to the vacation of the above mentioned area granted that a new easement be provided for any homes that are staying, if any.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Hulsey".

Daryl Hulsey  
Construction Technician  
Time Warner Cable

**EXHIBIT "G-1"**

**W.O.W. Letter**



It's that kind of experience.

August 15, 2014

Maria L. Bulkley  
P.O. Box 3646  
Evansville, IN 47735

**RE: Proposed Vacation – Alley parallel to and between Kerth and New York.**

Dear Mrs. Bulkley,

The SIGECOM/WOW Outside Plant Engineering department reviewed the alley parallel to and between Kerth Avenue and New York Avenue in Vanderburgh County. The findings of this review determined that SIGECOM/WOW has facilities located within the subject right of way as shown on Exhibit A.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the alley parallel to and between Kerth Avenue and New York Avenue. SIGECOM/WOW will need to retain an easement granted in its favor within subject right-of-way for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bowen".

Rick Bowen  
OSP Construction Manager  
812-437-0395  
[Rick\\_Bowen@wideopenwest.com](mailto:Rick_Bowen@wideopenwest.com)

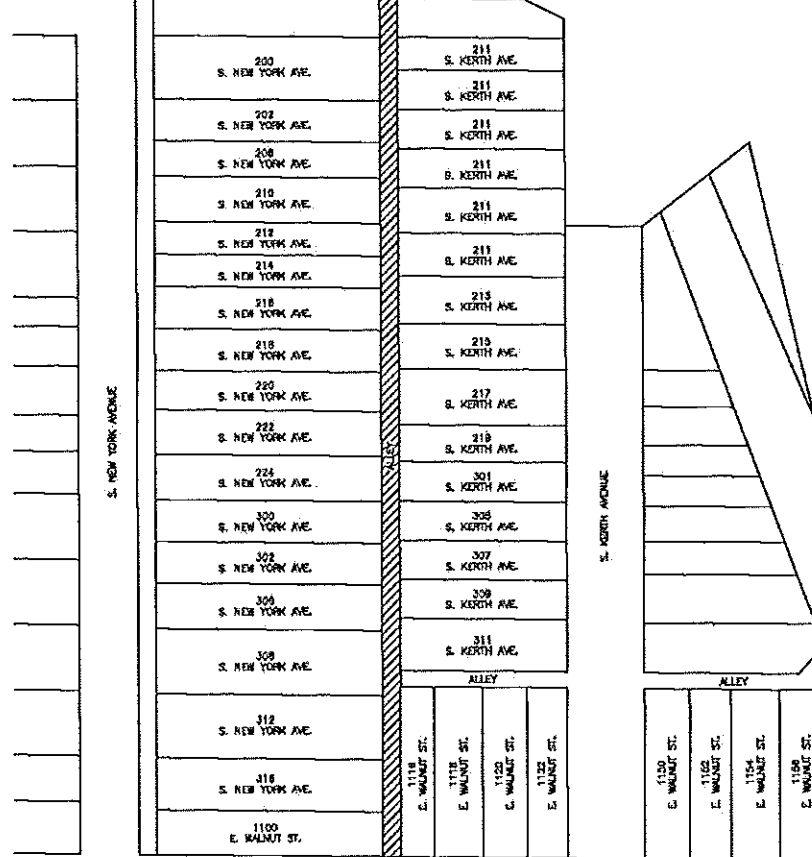
Cc: file



NORTH



E. SYCAMORE STREET



E. WALNUT STREET

EXHIBIT A

EXHIBIT "G-2"

W.O.W. Letter



August 15, 2014

Maria L. Bulkley  
P.O. Box 3646  
Evansville, IN 47735

**RE: Proposed Vacation – Alleys parallel to and between 1116 E Walnut to US-41.**

Dear Mrs. Bulkley,

The SIGECOM/WOW Outside Plant Engineering department reviewed the alleys parallel to Walnut Street and between west property line of 1116 E Walnut Street to US-41. The findings of this review determined that SIGECOM/WOW has facilities located within the subject right of way.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the alley parallel to and between west property line of 1116 E Walnut Street to US-41 and the 12' section of Kerth Avenue as shown on exhibit A. SIGECOM/WOW will need to retain an easement granted in its favor within subject right-of-way for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bowen".

Rick Bowen  
OSP Construction Manager  
812-437-0395  
Rick\_Bowen@wideopenwest.com

Cc: file

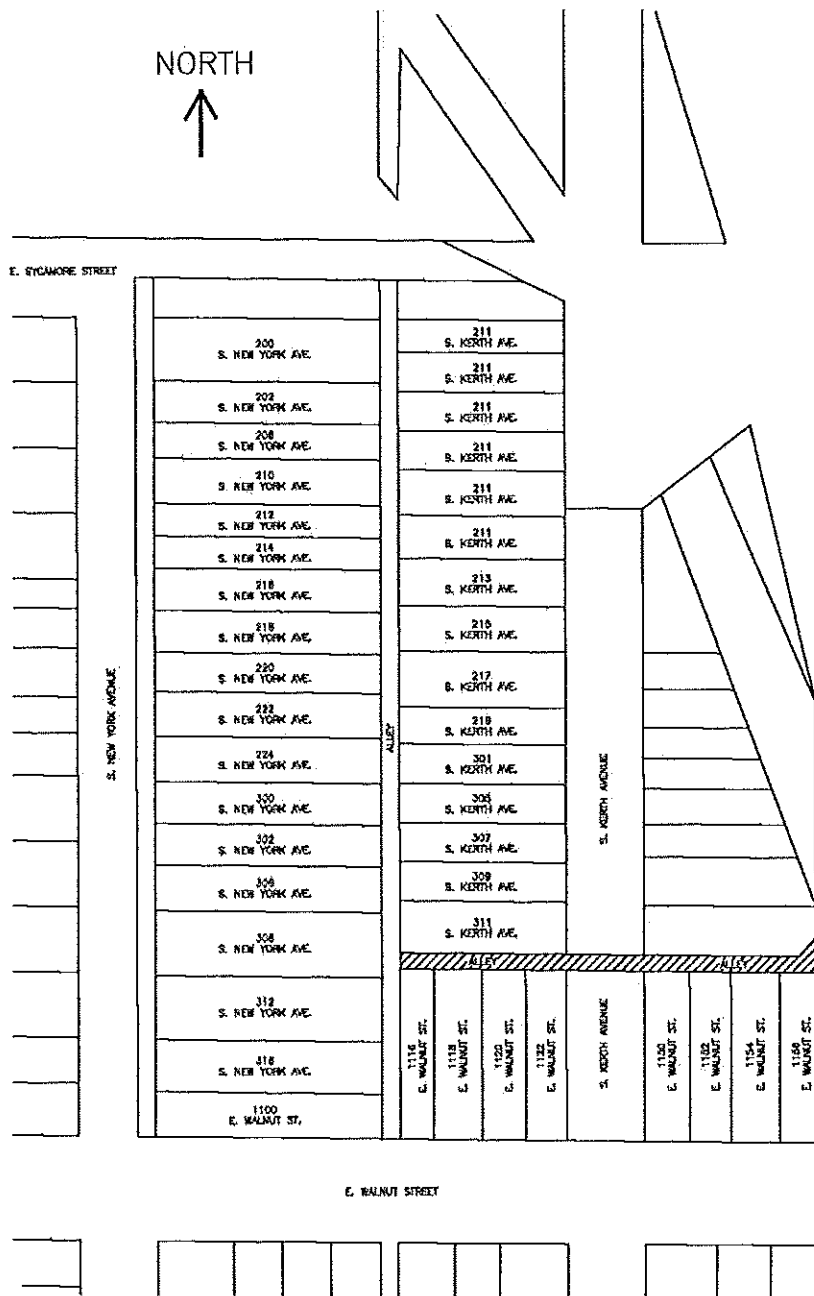


EXHIBIT A — Alley of Walnut St

**EXHIBIT "G-3"**

**W.O.W. Letter**



August 15, 2014

Maria L. Bulkley  
P.O. Box 3646  
Evansville, IN 47735

**RE: Proposed Vacation -- Kerth Ave from Walnut St to Sycamore St.**  
Dear Mrs. Bulkley,

The SIGECOM/WOW outside Plant Engineering department recently completed a site survey of the 60' right-of-way of Kerth Avenue from Walnut Street to Sycamore Street in Vanderburgh County. The findings of this survey determined that SIGECOM/WOW does not have facilities located within the said Right-of-way as shown on exhibit A.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the subject vacation.

This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Rick Bowen  
OSP Construction Manager  
812-437-0395  
Rick\_Bowen@wideopenwest.com

Cc: file



EXHIBIT "G-4"

W.O.W Letter



It's that kind of experience.

August 15, 2014

Maria L. Bulkley  
P.O. Box 3646  
Evansville, IN 47735

**RE: Proposed Vacation – Eastern 14' section of New York Ave.**

Dear Mrs. Bulkley,

The SIGECOM/WOW outside Plant Engineering department recently completed a site survey of the eastern 14' section of right-of-way of New York Avenue from Walnut Street to Sycamore Street in Vanderburgh County. The findings of this survey determined that SIGECOM/WOW does not have facilities located within the said Right-of-way as shown on exhibit A.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the subject vacation.

This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bowen".

Rick Bowen  
OSP Construction Manager  
812-437-0395  
Rick\_Bowen@wideopenwest.com

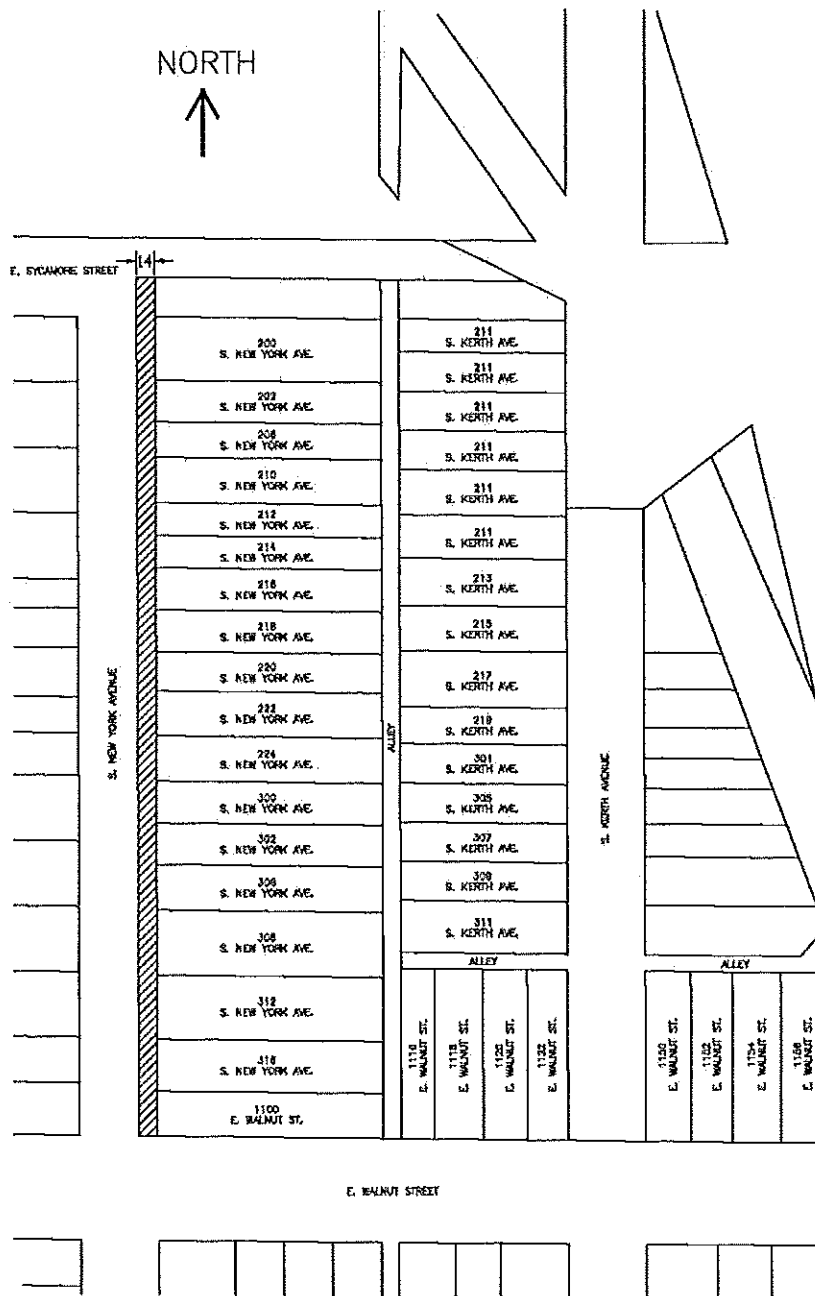


EXHIBIT A — New York Ave

EXHIBIT "H"

Evansville Fire Department Letter



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

---

August 18, 2014

Matthew D. Wallace  
Lochmueller Group  
6200 Vogel Road  
Evansville, IN 47715

RE: City of Evansville Department of Redevelopment-  
Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Wallace;

We recognize & acknowledge request for Vacation Right-of-way of the following 4 areas;

- 1) South Kerth Avenue, between E. Walnut St and E. Sycamore St;
- 2) Alley (14'), in East 1100 block between E. Walnut St and E. Sycamore St;
- 3) East 14' of South New York Avenue, between E. Walnut St and E. Sycamore St;
- 4) Alley (12'), in South 300 block, between 14' alley (#2) and US 41 Right-of-way.

**Existing Conditions: Streets and Alleys**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in closing of  
above referenced streets and alleys.**

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Grimm".

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428





**EXHIBIT "I"**

**City/Traffic Engineer Letter**



**City Engineer's Office**  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

August 19, 2014

Ms. Maria L. Bulkley  
KDDK  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, Indiana 47735

**Re: Proposed Vacation of Public Ways, parts of S. Kerth, S. New York  
and associated alleys**

Dear Ms. Bulkley:

In regards to the above referenced subject and exhibit from Lochmueller Group, the following comments are provided:

The areas proposed to be vacated are improved and appear to be utilized primarily for roadway purposes. The request for vacation relates to development of a commercial site in place of existing housing stock. The adjacent properties are owned by the party seeking vacation.

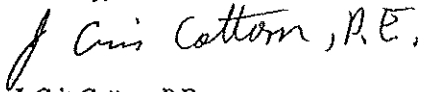
The areas to be vacated are the following:

1. Kerth Ave. from Walnut to Sycamore.
2. Alley parallel to and between Kerth and New York.
3. Alley parallel to Walnut running between Kerth and Alley in Item 2 above.
4. Alley parallel to Walnut running between Kerth and US41.
5. The eastern most 14 ft. of the Right-of-Way for New York Ave. (approx. from just behind the eastern curb line and the east R-O-W line)

The City Engineer's Office does not object to the vacation request. Vacation of these areas would have no effect on future plans of this office. On New York, the City Engineer's Office will either need to retain an easement for existing lighting or alternately, the petitioner can have the lights moved to the West side of New York. The lights sit in an area approximately three feet behind the curb of the street such that a three foot easement off the west side of the vacation on New York would provide the needed access.

Thank you and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "J. Cris Cottom, P.E.". The signature is written in a cursive style with a large, stylized "J" at the beginning.

J. Cris Cottom, P.E.  
Assistant City Engineer

Attachment: Vacation Exhibit

Cc: Matt Wallace – Lochmueller Group  
File

